

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

JMH 401 DOE
[REDACTED]

Buffalo, New York 14127

Plaintiff,

vs.

THE NATIVITY OF OUR LORD
ROMAN CATHOLIC CHURCH SOCIETY
OF ORCHARD PARK, NEW YORK
4414 South Buffalo Street
Orchard Park, New York 14127

SISTERS OF ST. FRANCIS OF THE
NEUMANN COMMUNITIES
960 James Street, 2nd Floor
Syracuse, New York 13203

PAULA MARIE NOTARTHOMAS
201 Reist Street
Williamsville, New York 14221

Defendants.

SUMMONS

Index No.:

Filed in the
Erie County Clerk's
Office on: _____

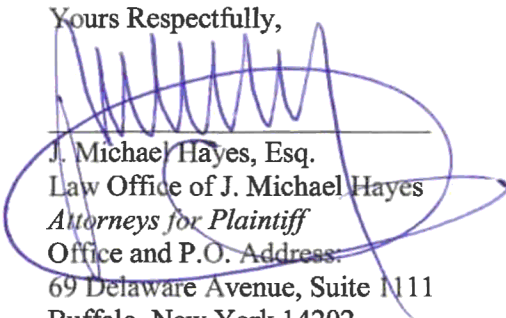
TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED, to answer the complaint in this action, and to serve a copy of your answer, or, if the summons is not served with a complaint, to serve a notice of appearance, on the Plaintiff's attorney within twenty (20) days after service of this summons, exclusive of the day of service, or within thirty (30) days after completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Erie County is designated as the place of trial on the basis of the residence of the Plaintiff who resides in Erie County, New York.

DATED: BUFFALO, NEW YORK
November 14, 2019

Yours Respectfully,



J. Michael Hayes, Esq.
Law Office of J. Michael Hayes
Attorneys for Plaintiff
Office and P.O. Address:
69 Delaware Avenue, Suite 111
Buffalo, New York 14202
Telephone: (716) 852-1111

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

JMH 401 DOE,

Plaintiff,

vs.

THE NATIVITY OF OUR LORD ROMAN
CATHOLIC CHURCH SOCIETY OF
ORCHARD PARK, NEW YORK,
SISTERS OF ST. FRANCIS OF THE NEUMANN
COMMUNITIES, and
PAULA MARIE NOTARTHOMAS,

Defendants.

**COMPLAINT
JURY TRIAL
DEMANDED**

Index No.:

The Plaintiff, JMH 401 DOE, by her attorney, J. MICHAEL HAYES, ESQ. for her complaint against the Defendants, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, and PAULA MARIE NOTARTHOMAS, herein alleges:

PARTIES

1. Presently and at all times hereinafter mentioned, Plaintiff, JMH 401 DOE, is a resident of the County of Erie and State of New York.

2. Upon information and belief, at all times herein mentioned, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, is a domestic religious corporation authorized and existing by virtue of the laws of the State of New York with offices for the transaction of business located in the County of Erie and State of New York.

3. Upon information and belief, at all times herein mentioned, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, is a domestic religious corporation authorized and existing by virtue of the laws of the State of New York with offices for the transaction of business located in the County of Erie and State of New York.

4. Upon information and belief, presently and at all times hereinafter mentioned, Defendant, PAULA MARIE NOTARTHOMAS, is a resident of the County of Erie and State of New York.

5. Plaintiff asserts trial preference pursuant to CPLR 3403(a)(7), as added by Section 4 of the Child Victims Act.

JURISDICTION

6. This Court has jurisdiction pursuant to CPLR 401 as Defendants' principal places of business and/or residence are in New York.

7. Venue is proper pursuant to CPLR 503 as Plaintiff's residence is in Erie County, New York. Additionally, Defendants' principal places of business and/or residence are in Erie County, New York.

FACTS COMMON TO ALL CLAIMS

8. Upon information and belief, at all times herein mentioned, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, owned Nativity of Our Lord School, located at 4414 South Buffalo Street, Orchard Park, New York 14127.

9. Upon information and belief, at all times herein mentioned, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, managed, operated and/or controlled the Nativity of Our Lord School,

including, *inter alia*, the hiring of employees, employee supervision, employee assignments and monitoring the student body.

10. Upon information and belief, at all times herein mentioned, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, managed, operated and/or controlled the Nativity of Our Lord School, including, *inter alia*, the hiring of employees, employee supervision, employee assignments and monitoring the student body.

11. Upon information and belief, at all times herein mentioned, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, contracted with lay parents of children to attend Nativity of Our Lord School in exchange for monetary compensation.

12. Upon information and belief, at all times herein mentioned, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, agreed and assumed the responsibility to provide schooling, education and a safe and protective environment for the infant school attendees.

13. Upon information and belief, at all times herein mentioned, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, agreed and assumed the responsibility to provide a safe and protective environment for the infant school attendees.

14. Upon information and belief, at all times herein mentioned, Defendant, PAULA MARIE NOTARTHOMAS, was a Roman Catholic nun and an officer, agent, representative, servant and/or employee of Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK.

15. Upon information and belief, at all times herein mentioned, Defendant, PAULA MARIE NOTARTHOMAS, was a Roman Catholic nun and an officer, agent, representative,

servant and/or employee of Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES.

16. Upon information and belief, Defendant, PAULA MARIE NOTARTHOMAS, sexually abused, harassed, assaulted and/or molested Plaintiff, JMH 401 DOE.

17. Upon information and belief, at all times herein mentioned, Defendant, PAULA MARIE NOTARTHOMAS, was acting within the scope of her agency, servitude and/or employment with Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK.

18. Upon information and belief, at all times herein mentioned, Defendant, PAULA MARIE NOTARTHOMAS, was acting within the scope of her agency, servitude and/or employment with Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES.

19. Upon information and belief, at all times herein mentioned, Defendant, PAULA MARIE NOTARTHOMAS, was under the direction, supervision and/or control of Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK.

20. Upon information and belief, at all times herein mentioned, Defendant, PAULA MARIE NOTARTHOMAS, was under the direction, supervision and/or control of Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES.

21. Upon information and belief, at all times herein mentioned, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, placed, controlled and/or employed Defendant, PAULA MARIE NOTARTHOMAS, as Principal of Nativity of Our Lord School.

22. Upon information and belief, at all times herein mentioned, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, placed, controlled and/or employed Defendant, PAULA MARIE NOTARTHOMAS, as Principal of Nativity of Our Lord School.

23. Plaintiff, JMH 401 DOE, was under eighteen (18) years of age at all relevant times mentioned herein.

24. Upon information and belief, Plaintiff was a student at Nativity of Our Lord School in or around 1973-1976, a school within and operating under the auspices of Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK.

25. Upon information and belief, Plaintiff was a student at Nativity of Our Lord School in or around 1973-1976, a school within and operating under the auspices of Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES.

26. Upon information and belief, at all relevant times, Defendant, PAULA MARIE NOTARTHOMAS, was working and/or volunteering at Nativity of Our Lord School, within and under the control and auspices of Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK.

27. Upon information and belief, at all relevant times, Defendant, PAULA MARIE NOTARTHOMAS, was working and/or volunteering at Nativity of Our Lord School, within and under the control and auspices of Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES.

28. Upon information and belief, through her positions at, within, or for the Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD

PARK, NEW YORK, Defendant, PAULA MARIE NOTARTHOMAS, was put into direct contact with infant Plaintiff.

29. Upon information and belief, through her positions at, within, or for the Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, Defendant, PAULA MARIE NOTARTHOMAS, was put into direct contact with infant Plaintiff.

30. Upon information and belief, it was under such circumstances that infant Plaintiff came to be under the direction and/or control of Defendant, PAULA MARIE NOTARTHOMAS, who used her position of authority and trust over Plaintiff, JMH 401 DOE, to sexually abuse and harass her.

31. Upon information and belief, in or around 1973-1976, Defendant, PAULA MARIE NOTARTHOMAS, while acting as a nun, administrator, counselor, officer, employee, agent, servant and/or volunteer of the Defendants, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK and/or SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, did sexually assault, abuse and/or had sexual contact with infant Plaintiff.

32. Defendant, PAULA MARIE NOTARTHOMAS, did have bodily contact and touching with infant Plaintiff, JMH 401 DOE, in touching Plaintiff's breasts.

33. Upon information and belief, the contact of Defendant, PAULA MARIE NOTARTHOMAS, with Plaintiff, JMH 401 DOE, was extreme, outrageous, subjectively offensive to Plaintiff and objectively offensive to a reasonable person in the same or similar situation.

34. Upon information and belief, Defendant, PAULA MARIE NOTARTHOMAS, intended to make such physical and sexual contact without the consent of infant Plaintiff, JMH 401 DOE, and did, in fact, make such contact without Plaintiff's consent.

35. Plaintiff, JMH 401 DOE, was unable to give consent to engage in the sexual molestation by Defendant, PAULA MARIE NOTARTHOMAS, as Plaintiff was a minor at all relevant times.

36. Upon information and belief, the abuse by Defendant, PAULA MARIE NOTARTHOMAS, of Plaintiff occurred at, in and/or around Defendants' premises, Nativity of Our Lord School in Orchard Park, New York.

37. Upon information and belief, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, through its officer, agent, representative, servant and/or employee Defendant, PAULA MARIE NOTARTHOMAS, sexually molested infant Plaintiff, JMH 401 DOE.

38. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, through its officer, agent, representative, servant and/or employee Defendant, PAULA MARIE NOTARTHOMAS, sexually molested infant Plaintiff, JMH 401 DOE.

39. Upon information and belief, at all times herein mentioned, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, its officers, agents, representatives, servants and/or employees, knew and/or reasonably should have known of the proclivities of Defendant, PAULA MARIE NOTARTHOMAS, toward molestation and sexual assault of young children.

40. Upon information and belief, at all times herein mentioned, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees, knew and/or reasonably should have known of the proclivities of Defendant, PAULA MARIE NOTARTHOMAS, toward molestation and sexual assault of young children.

41. Upon information and belief, at all times herein mentioned, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, its officers, agents, representatives, servants and/or employees, knowingly condoned, and/or covered up inappropriate and unlawful sexual activities of Defendant, PAULA MARIE NOTARTHOMAS, involving minors.

42. Upon information and belief, at all times herein mentioned, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees knowingly condoned, and/or covered up inappropriate and unlawful sexual activities of Defendant, PAULA MARIE NOTARTHOMAS, involving minors.

43. Upon information and belief, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, its officers, agents, representatives, servants and/or employees, had the responsibility to monitor, supervise, direct, control and/or be aware of the actions of nuns serving at Nativity of Our Lord School.

44. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees, had the responsibility to monitor, supervise, direct, control and/or be aware of the actions of nuns serving at Nativity of Our Lord School.

45. Upon information and belief, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, its officers, agents, representatives, servants and/or employees, had a duty not to aid a pedophile such as Defendant, PAULA MARIE NOTARTHOMAS, by assigning, supporting, maintaining and/or appointing her to a position with access to minors and/or physically providing her with infant victims.

46. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees, had a duty not to aid a pedophile such as Defendant, PAULA MARIE NOTARTHOMAS, by assigning, supporting, maintaining and/or appointing her to positions with access to minors and/or physically providing her with infant victims.

47. Upon information and belief, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, its officers, agents, representatives, servants and/or employees, did violate their duty to the public generally and minors specifically, including infant Plaintiff, JMH 401 DOE, by knowingly exposing and physically providing them to Defendant, PAULA MARIE NOTARTHOMAS, and in providing her with an unsupervised locus in which to physically abuse infants.

48. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees did violate their duty to the public generally and minors specifically, including infant Plaintiff, JMH 401 DOE, by knowingly exposing and physically providing them to Defendant, PAULA MARIE NOTARTHOMAS, and in providing her with an unsupervised locus in which to physically abuse infants.

49. Upon information and belief, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, its officers, agents, representatives, servants and/or employees, individually, jointly and/or severally, violated various New York statutes in effect at all relevant times mentioned herein including, but not limited to, N.Y. Soc. Serv. Law §§ 413 and 420, which require school officials and teachers to report suspected cases of child abuse and impose liability for failure to report.

50. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees, individually, jointly and/or severally, violated various New York statutes in effect at all relevant times mentioned herein including, but not limited to, N.Y. Soc. Serv. Law §§ 413 and 420, which require school officials and teachers to report suspected cases of child abuse and impose liability for failure to report.

51. Plaintiff, JMH 401 DOE, has suffered severe personal physical and psychological injuries and damages as a result of the actions of Defendant, PAULA MARIE NOTARTHOMAS, occasioned, facilitated, permitted and/or condoned by Defendants, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK and/or SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, as well as other damages related thereto, as a result of her childhood sexual abuse consistent with offenses as defined by Article 130 of the Penal Law.

52. Plaintiff, JMH 401 DOE, asserts her revival action pursuant to the New York State Child Victims Act, CPLR 214-g.

53. Upon information and belief, the limitation of liability set forth in CPLR Article 16 is not applicable to the claim of personal injury alleged herein, by reason of one or more of the exemptions provided in CPLR 1602.

54. Plaintiff, JMH 401 DOE, demands a jury trial on all claims.

AS AND FOR A FIRST CAUSE OF ACTION

55. Plaintiff repeats and realleges those allegations set forth in Paragraphs “1” through “54” of the Complaint with the same force and effect as fully set forth herein at length.

56. Upon information and belief, Defendants, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK and/or SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, through their officers, agents, representatives, servants and/or employees, knew and/or reasonably should have known, that Defendant, PAULA MARIE NOTARTHOMAS, posed a threat of sexual abuse to children.

57. Upon information and belief, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, its officers, agents, servants, representatives and/or employees, knew, should have known or had reason to know of the abusive behavior of Defendant, PAULA MARIE NOTARTHOMAS, prior to her sexual exploitation and abuse of Plaintiff.

58. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, servants, representatives and/or employees, knew, should have known or had reason to know of the abusive behavior of Defendant, PAULA MARIE NOTARTHOMAS, prior to her sexual exploitation and abuse of Plaintiff.

59. Upon information and belief, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, its officers,

agents, representatives, servants and/or employees, did not meet its obligation and responsibility to protect Plaintiff and other infant students prior to the contact by Defendant, PAULA MARIE NOTARTHOMAS, with Plaintiff, JMH 401 DOE.

60. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees, did not meet its obligation and responsibility to protect Plaintiff and other infant students prior to the contact by Defendant, PAULA MARIE NOTARTHOMAS, with Plaintiff, JMH 401 DOE.

61. Upon information and belief, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, its officers, agents, representatives, servants and/or employees, knowingly, willfully and intentionally concealed the conduct of Defendant, PAULA MARIE NOTARTHOMAS, and protected her from prosecution while simultaneously exposing her and other sexual predators to infants, including Plaintiff, JMH 401 DOE.

62. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees, knowingly, willfully and intentionally concealed the conduct of Defendant, PAULA MARIE NOTARTHOMAS, and protected her from prosecution while simultaneously exposing her and other sexual predators to infants, including Plaintiff, JMH 401 DOE.

63. Upon information and belief, Defendants' knowledge of the abuses of Defendant, PAULA MARIE NOTARTHOMAS, and the subsequent continued employment of her allowed Defendant, PAULA MARIE NOTARTHOMAS, to continue her crimes and victimization of minors, including the ones perpetrated against Plaintiff, JMH 401 DOE.

64. Upon information and belief, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, its officers, agents, representatives, servants and/or employees, did knowing and intentionally conspire to conceal and cover up Defendant, PAULA MARIE NOTARTHOMAS, and other priests' criminal predatory abuses.

65. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees, did knowing and intentionally conspire to conceal and cover up Defendant, PAULA MARIE NOTARTHOMAS, and other priests' criminal predatory abuses.

66. Upon information and belief, a former secretary of The Diocese of Buffalo's Bishop Richard Malone, acting as a "whistleblower", publicly disclosed limited personnel files and other documentation detailing predatory behaviors and sex abuse by clergy.

67. Upon information and belief, the Diocese of Buffalo had only acknowledged accusations against forty-two (42) clergy; the whistleblower's findings revealed that a truer number of known Diocesan clergy accused of abuse as of 2017 was at least two-hundred two (202).

68. Upon information and belief, Defendants, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK and/or SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, actions were extreme, willful, wanton, malicious, reckless and/or outrageous in their disregard for the rights and safety of Plaintiff, JMH 401 DOE.

69. As a result of the foregoing, including the aforementioned negligence, gross negligence, intentional concealment of abuse, the intentional and knowing transfer of priests because of sexual assaults previously committed, Plaintiff, JMH 401 DOE, sustained severe

personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted her over the entire course of her life all to her damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

AS AND FOR A SECOND CAUSE OF ACTION

70. Plaintiff repeats and realleges those allegations set forth in Paragraphs “1” through “69” of the Complaint with the same force and effect as fully set forth herein at length.

71. Upon information and belief, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, through its officers, agents, representatives, servants and/or employees, negligently hired, retained, directed, and/or supervised Defendant, PAULA MARIE NOTARTHOMAS, when they knew or should have known that she posed a threat of sexual abuse to children.

72. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, through its officers, agents, representatives, servants and/or employees, negligently hired, retained, directed, and/or supervised Defendant, PAULA MARIE NOTARTHOMAS, when they knew or should have known that she posed a threat of sexual abuse to children.

73. Upon information and belief, the sexual abuse of children by adults, including Defendant, PAULA MARIE NOTARTHOMAS, in the Nativity of Our Lord School environment was foreseeable.

74. Upon information and belief, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, entered into an express and/or implied duty and/or contract to provide a reasonably safe environment for

Plaintiff, JMH 401 DOE, and assumed the duty to protect and care for her by establishing, staffing, and/or operating Nativity of Our Lord School, encouraging the enrollment and instruction of Plaintiff, accepting her as a student, and holding out the school as a safe environment for learning and engaging in youth activities.

75. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, entered into an express and/or implied duty and/or contract to provide a reasonably safe environment for Plaintiff, JMH 401 DOE, and assumed the duty to protect and care for her by establishing, staffing, and/or operating Nativity of Our Lord School, encouraging the enrollment and instruction of Plaintiff, accepting her as a student, and holding out the school as a safe environment for learning and engaging in youth activities.

76. Upon information and belief, at all times herein mentioned and prior thereto, Defendants, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, caused, permitted and facilitated the continued access of Defendant, PAULA MARIE NOTARTHOMAS, to children, including Plaintiff, JMH 401 DOE, knowing that Defendant, PAULA MARIE NOTARTHOMAS, was a child abuser and permitting her to continue her molestation practices.

77. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, caused, permitted and facilitated the continued access of Defendant, PAULA MARIE NOTARTHOMAS, to children, including Plaintiff, JMH 401 DOE, knowing that Defendant, PAULA MARIE NOTARTHOMAS, was a child abuser and permitting her to continue her molestation practices.

78. Upon information and belief, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, knew of the

activities and proclivities of Defendant, PAULA MARIE NOTARTHOMAS, toward child abuse, covered up her molestations and criminal behaviors, did not provide a safe learning environment for minor children in their purview, and failed to mitigate or remedy harm done by Defendant, PAULA MARIE NOTARTHOMAS.

79. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, knew of the activities and proclivities of Defendant, PAULA MARIE NOTARTHOMAS, toward child abuse, covered up her molestations and criminal behaviors, did not provide a safe learning environment for minor children in their purview, and failed to mitigate or remedy harm done by Defendant, PAULA MARIE NOTARTHOMAS.

80. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, knew and/or should have known that Defendant, PAULA MARIE NOTARTHOMAS, and other employees targeted infants for child sexual abuse, failed to stop or report these crimes and abuses, and withheld information of same from both criminal and civil authorities as well as the victims' families.

81. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, knew and/or should have known that Defendant, PAULA MARIE NOTARTHOMAS, and other employees targeted infants for child sexual abuse, failed to stop or report these crimes and abuses, and withheld information of same from both criminal and civil authorities as well as the victims' families.

82. Upon information and belief, Plaintiff, JMH 401 DOE, has incurred medical expenses for her own care and treatments over the course of her lifetime for harm caused and/or

contributed to by the sexual assault perpetrated upon her by Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, through its officer, agent, representative, servant and/or employee, Defendant, PAULA MARIE NOTARTHOMAS.

83. Upon information and belief, Plaintiff, JMH 401 DOE, has incurred medical expenses for her own care and treatments over the course of her lifetime for harm caused and/or contributed to by the sexual assault perpetrated upon her by Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, through its officer, agent, representative, servant and/or employee, Defendant, PAULA MARIE NOTARTHOMAS.

84. Upon information and belief, Defendant, PAULA MARIE NOTARTHOMAS, sexually assaulted, sexually abused and/or had sexual contact with Plaintiff on the premises of Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK.

85. Upon information and belief, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, its officers, agents, representatives, servants and/or employees, were on notice of the improper and inappropriate actions of Defendant, PAULA MARIE NOTARTHOMAS, with other minor children, and knew or should have known of the improper and inappropriate actions of Defendant, PAULA MARIE NOTARTHOMAS, with Plaintiff, JMH 401 DOE.

86. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees, were on notice of the improper and inappropriate actions of Defendant, PAULA MARIE NOTARTHOMAS, with other minor children, and knew or should have known of the improper

and inappropriate actions of Defendant, PAULA MARIE NOTARTHOMAS, with Plaintiff, JMH 401 DOE.

87. Upon information and belief, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, owed a duty of care to all persons, including Plaintiff, JMH 401 DOE, who were likely to come within the influence and contact of Defendant, PAULA MARIE NOTARTHOMAS, in her role in Defendant's employ and to ensure that Defendant, PAULA MARIE NOTARTHOMAS, did not abuse her authority under Defendant's employ.

88. Upon information and belief, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK and/or SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, owed a duty of care to all persons, including Plaintiff, JMH 401 DOE, who were likely to come within the influence and contact of Defendant, PAULA MARIE NOTARTHOMAS, in her role in Defendant's employ and to ensure that Defendant, PAULA MARIE NOTARTHOMAS, did not abuse her authority under Defendant's employ.

89. As a result of the foregoing, Plaintiff, JMH 401 DOE, sustained severe personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted her over the entire course of her life all to her damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

AS AND FOR A THIRD CAUSE OF ACTION

90. Plaintiff repeats and realleges those allegations set forth in Paragraphs "1" through "89" of the Complaint with the same force and effect as fully set forth herein at length.

91. Upon information and belief, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, and its officers, agents, representatives, servants and/or employees, knew or reasonably should have known that the failure to properly monitor, control, direct, advise, supervise and hire Defendant, PAULA MARIE NOTARTHOMAS, who sexually abused Plaintiff, JMH 401 DOE, would and did proximately result in physical and severe emotional distress to Plaintiff.

92. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, and its officers, agents, representatives, servants and/or employees, knew or reasonably should have known that the failure to properly monitor, control, direct, advise, supervise and hire Defendant, PAULA MARIE NOTARTHOMAS, who sexually abused Plaintiff, JMH 401 DOE, would and did proximately result in physical and severe emotional distress to Plaintiff.

93. Upon information and belief, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, and its officers, agents, representatives, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct against Plaintiff, JMH 401 DOE, would and did proximately result in physical and severe emotional distress to Plaintiff.

94. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, and its officers, agents, representatives, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct against Plaintiff, JMH 401 DOE, would and did proximately result in physical and severe emotional distress to Plaintiff.

95. Upon information and belief, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, had the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff, JMH 401 DOE, being sexually abused by Defendant, PAULA MARIE NOTARTHOMAS.

96. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, had the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff, JMH 401 DOE, being sexually abused by Defendant, PAULA MARIE NOTARTHOMAS.

97. Upon information and belief, despite said knowledge, power and duty, Defendant, THE NATIVITY OF OUR LORD ROMAN CATHOLIC CHURCH SOCIETY OF ORCHARD PARK, NEW YORK, failed to act so as to stop, prevent and prohibit the improper conduct that resulted in Defendant, PAULA MARIE NOTARTHOMAS, sexually abusing Plaintiff, JMH 401 DOE.

98. Upon information and belief, despite said knowledge, power and duty, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, failed to act so as to stop, prevent and prohibit the improper conduct that resulted in Defendant, PAULA MARIE NOTARTHOMAS, sexually abusing Plaintiff, JMH 401 DOE.

99. As a result of the foregoing, Plaintiff, JMH 401 DOE, sustained severe personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted her over the entire course of her life all to her damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

AS AND FOR A FOURTH CAUSE OF ACTION

100. Plaintiff repeats and realleges those allegations set forth in Paragraphs “1” through “99” of the Complaint with the same force and effect as fully set forth herein at length.

101. Upon information and belief, Defendant, PAULA MARIE NOTARTHOMAS, did willfully, knowingly and/or intentionally engage in sexual contact with then-infant Plaintiff, JMH 401 DOE, during the early to mid-1970s.

102. Plaintiff, JMH 401 DOE, did not consent to the aforementioned contact of Defendant, PAULA MARIE NOTARTHOMAS.

103. Plaintiff, JMH 401 DOE, could not consent to sexual contact of any kind made by Defendant, PAULA MARIE NOTARTHOMAS, because Plaintiff was a minor at all relevant times.

104. The actions of Defendant, PAULA MARIE NOTARTHOMAS, caused offensive bodily contact with the person of Plaintiff, JMH 401 DOE.

105. Upon information and belief, Defendant, PAULA MARIE NOTARTHOMAS, purposefully intended to cause Plaintiff, JMH 401 DOE, harm and/or made contact that would offend a reasonable sense of personal dignity.

106. As a result of the foregoing, Plaintiff, JMH 401 DOE, sustained severe personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted her over the entire course of her life all to her damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

AS AND FOR A FIFTH CAUSE OF ACTION

107. Plaintiff repeats and realleges those allegations set forth in Paragraphs “1” through “106” of the Complaint with the same force and effect as fully set forth herein at length.

108. Upon information and belief, Defendant, PAULA MARIE NOTARTHOMAS, did know Plaintiff, JMH 401 DOE, was an infant, under the age of eighteen (18), at the time Defendant had sexual contact with Plaintiff.

109. Upon information and belief, Defendant, PAULA MARIE NOTARTHOMAS, did willfully, knowingly and/or intentionally engage in sexual conduct with infant Plaintiff, JMH 401 DOE.

110. Upon information and belief, Defendant, PAULA MARIE NOTARTHOMAS, did willfully, knowingly and/or intentionally create a hostile and unsafe environment that no child, including Plaintiff, JMH 401 DOE, would be able to tolerate.

111. Plaintiff, JMH 401 DOE, did not, in fact, tolerate conduct made by Defendant, PAULA MARIE NOTARTHOMAS.

112. Upon information and belief, Defendant, PAULA MARIE NOTARTHOMAS, in order to avoid embarrassment, scandal, negative publicity, civil liability, criminal liability and/or repercussions for her actions, did intend to cause Plaintiff, JMH 401 DOE, shame, humiliation, and extreme emotional distress so that she would stay silent and not report the sexual abuse.

113. Upon information and belief, Defendant, PAULA MARIE NOTARTHOMAS, behaved in a manner toward Plaintiff, JMH 401 DOE, that was so shocking, outrageous and extreme as to exceed all reasonable bounds of decency.

114. Upon information and belief, Defendant, PAULA MARIE NOTARTHOMAS, knew with substantial certainty, or should have known, that her behavior would cause Plaintiff, JMH 401 DOE, to be a victim of sexual abuse, sexual harassment and/or violence.

115. Upon information and belief, Defendant, PAULA MARIE NOTARTHOMAS, willfully, knowingly, intentionally and/or recklessly desired and caused Plaintiff, JMH 401 DOE, severe emotional distress.

116. Upon information and belief, Defendant, PAULA MARIE NOTARTHOMAS, acted with utter disregard of the consequences her actions would have on Plaintiff, JMH 401 DOE.

117. The aforementioned acts of Defendant, PAULA MARIE NOTARTHOMAS, caused Plaintiff, JMH 401 DOE, physical, mental and severe emotional distress.

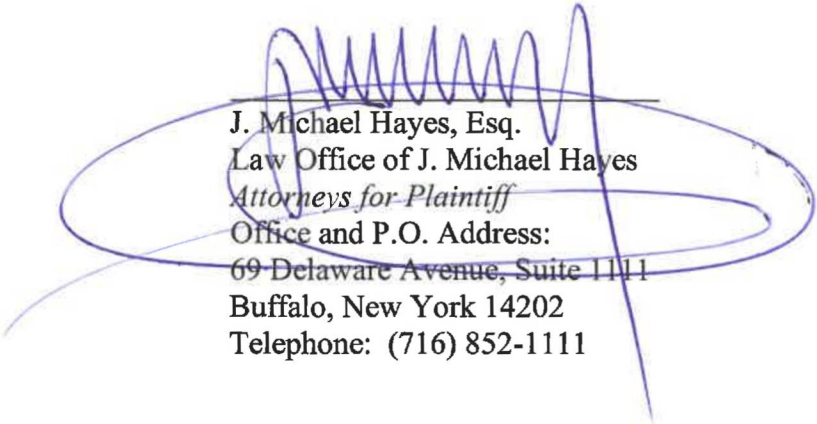
118. Plaintiff, JMH 401 DOE, has suffered severe emotional distress of such intensity and duration as a result of the actions of Defendant, PAULA MARIE NOTARTHOMAS, that no reasonable person should be expected to endure it.

119. As a result of the foregoing, Plaintiff, JMH 401 DOE, sustained severe personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted her over the entire course of her life all to her damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

WHEREFORE Plaintiff, JMH 401 DOE, demands a jury trial and judgment in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other compensatory, punitive and exemplary damages, costs, disbursements and for such other relief as is just, proper and equitable.

DATED: BUFFALO, NEW YORK
November 14, 2019

Yours Respectfully,



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